IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WP No. 22464 of 2006

Between :
Gundala Durga Rao .. Petitioner

And

The Superintendent of Police,
W.G.District at Eluru and two others .. Respondents

Dated : 11th September 2007

JUDGMENT :

This writ petition has been instituted calling in question the action of the respondents-police in opening and continuing a rowdy sheet/history sheet bearing No.1/95 against the writ petitioner, on the file of Eluru II Town Law & Order Police Station, Eluru, West Godavari District as illegal.

The writ petitioner has asserted that he was once arrayed as an accused in Cr.No. 171/94 for offences punishable under Sections 147, 148, 307, 324 r/w 149 IPC on the file of Eluru II Town P.S. and that ultimately, he was acquitted of the said offences in the year 1994 itself by the Sessions Court. Subsequently, he came to be impleaded in another case in Cr. No. 144/2002 of the same Police Station and that this case is now pending trial in the Sessions Court. The writ petitioner upon learning that a rowdy sheet/history sheet has been opened bearing No.1/95 against him of the said P.S., had been informed that the said history sheet has been closed on his

acquittal in Cr. No. 171/94, but, however, the police revived the same rowdy sheet upon his involvement in Cr. No. 144/2002.

For securing efficient police administration, the State has devised Police Standing Orders and provided the necessary guidelines and details therein. The Revised Police Standing Orders, 2004 in its Order No. 601 has spelt out the complete details as to how to classify certain persons as rowdies and maintain the history sheets of such persons by the police personnel. In the following instances listed out in Standing Order 601, rowdy sheets can be opened and maintained under the orders of the SP/DCP and ACP/SDPO which is extracted herein below :

(A) Persons who habitually commit, attempt to commit or abet the commission of, offences involving a breach of the peace, disturbance to public order and security.

(B) Persons bound over under Sections 106, 107, 108(1)(i) and 110(e) and (g) of Cr.P.C.

(C) Persons who have been convicted more than once in two consecutive years under sections 59 and 70 of the Hyderabad City Police Act or under section 3, clause 12, of A.P.Towns Nuisances Act.

(D) Persons who habitually tease women and girls and pass indecent remarks.

(E) Rowdy sheets for the rowdies residing in one Police Station area but found frequenting the other PSs area, can be maintained at all such Police Stations.

(F) Persons who intimidate by threats or use of physical violence or other unlawful means to part with movable or immovable properties or in the habit of collecting money by extortion from shopkeepers, traders and other residents.

(G) Persons who incite and instigate communal/caste or political riots.

(H) Persons detained under the “AP Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land-Grabbers Act, 1986” for a period of 6 months or more.

(I) Persons who are convicted for offences under the

Representatives of Peoples' Act for rigging and carrying away ballot paper, Boxes and other polling material.

From a perusal of the same, it would be clear that a person who is habituated to commit offences or persons who have been convicted more than once in two consecutive years under Sections 59 and 70 of the Hyderabad City Police Act or under section 3, clause 12, of the AP Towns Nuisances Act, perhaps rowdy sheets can be opened and maintained.

In the instant case, the writ petitioner had been arrayed as accused only in two cases viz., one in the year 1994 and the other in the year 2002. In the criminal case connected with Cr.No.171/94, he has been acquitted and the other is yet to be tried. Therefore, the very opening and maintaining the rowdy sheet against the writ petitioner when he was involved in a single case is clearly not in accordance with the Police Standing Order No. 601.

The learned Government Pleader for Home pleads that as of now there is an order passed in Cr. No. 324/2005 under Section 110(e) CrPC binding over the petitioner and hence the rowdy sheet is justified in being continued.

What is of importance is the point of time at which the rowdy sheet is opened. At that point of time if it is not warranted, the rowdy sheet should not have been opened at all. It is altogether a different matter as to whether the present circumstances justify its continuance. It is an independent exercise, over which I am not required to opine in this case.

I therefore, do not find any justification for the respondent – police authorities in opening the rowdy sheet No.1 of 1995 against the petitioner due to his involvement in Cr. No. 144/2002 and accordingly, the same is quashed.

With this the writ petition stands disposed of. No costs.

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knk 11.09.2007